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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,333	08/21/2001	David Goldberg	105864	6794
27074	7590	01/10/2006	EXAMINER	
OLIFF & BERRIDGE, PLC. P.O. BOX 19928 ALEXANDRIA, VA 22320			LAO, LUN YI	
			ART UNIT	PAPER NUMBER
			2677	
DATE MAILED: 01/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/682,333

Applicant(s)

GOLDBERG ET AL.

Examiner

LUN-YI LAO

Art Unit

2677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
2. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fishkin et al(EP 0,929,027).

As to claims 1-3 and 5-7, Fishkin et al teach a method for transferring information comprising storing information about the user(user identification) in a physically manipulatable reified device(a teddy bear(see figure 1) or a key(see figure 43) or a garage dog(see figure 44); and paragraphs 24, 142-143 and 145-146); providing a manipulatable user interface between a responsive device(610)(see figures 43-44 and paragraphs 140-141); and physically manipulatable reified device(a key or a garage dog(see figures 43-44 and paragraphs 142 and 145-146); placing an object(a user's finger or hand) relative to the physically manipulated device(key or garage dog); wherein relatively placing the object(user's finger or hand) and the physically manipulatable reified device and/or physically manipulating the manipulatable device communicates at least some of stored information about the user(user identification(squeezes or whacks or spins) or fingerprints ) to the responsive device(see figures 43-44 and paragraphs 142 and 145-146).

As to claims 2 and 6, Fishkin et al teach the stored information having the level of authority of user(a user having an authority operating a computer system)(see figures 44-45 and paragraphs 142-143 and 145-146).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishkin et al.

Fishkin et al do not point out relatively placing the object communicates at least some of the stored information about the user to the responsive device.

Fishkin et al teach an object is a hat(730)(see figure 45 and paragraph 148). It would have been obvious to relatively place the hat communicates at least some of the stored information about the user to the responsive device since Fishkin et al teach relatively placing the object(e.g. user's finger or gestures for representing user's identification) communicates at least some of the stored information about the user to the responsive device and placing a hat could be one of user's identification(see paragraphs 143 and 146).

5. Claims 4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishkin et al in view of Woolston(5,845,265).

Fishkin et al fail to disclose the storing information having an asset of a user with a credit card number.

Woolston teaches the identification number could be a credit card number(an asset of a user)(see figure 2 and column 9, lines 10-14). It would have been obvious to have modified Fishkin et al with the teaching of Woolston, Since using a credit card number as an ID number is more secure, a user does not need to memorize it since the other users would not easy to find out and people would always carry with it and Fishkin et al teach the user's information could be user's unique identification or a personal identification number(see paragraphs 143 and 145-146).

6. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani(6,137,480) in view of Takagi(6,052,116).

As to claims 1-3 and 5-7, Shintani teaches a method for transferring information comprising information about the user in a physically manipulatable reified device(3); providing a manipulatable user interface between a responsive device (computer and display(4)) and physically manipulatable reified device(3); wherein relatively placing the object(2) and the physically manipulatable reified device(3) and/or physically manipulating physically manipulatable device(3) communicates at least some of information about the user(authorization user) to the responsive device(see figures 1-3; column 2, lines 24-68 and column 3, lines 1-48).

Shintani fails to disclose a physically manipulatable device having a memory.

Takagi teach a physically manipulatable device(12) having a memory for storing information(see figures 1-5; column 4, lines 7-14 and lines 31-44; and column 5, lines 6-50). It would have been obvious to have modified Shintani with the teaching of Takagi, so the information about the user could be temporarily stored in a memory and the data stored in the transmission buffer are transmitted in the order of saving at a predetermined interval(see column 5, lines 48-50).

As to claims 2 and 6, Shintani teaches the stored information having the level of authority of user(see figure 2; column 2, lines 40-44 and column 3, lines 4-48).

7. Claims 4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani in view Takagi of Woolston(5,845,265).

Shintani as modified fail to disclose the storing information having an asset of a user with a credit card number.

Woolston teaches the identification number could be a credit card number(an asset of a user)(see figure 2 and column 9, lines 10-14). It would have been obvious to have modified Shintani with the teaching of Woolston, Since using a credit card number as an ID number is more secure and a user does not need to memorize it since the other users would not easy to find out and people would always carry with it.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani(6,137,480) in view of Takagi and Gershon(6,257,984).

Shintani as modified fails to disclose an object is a hat.

Gershon teach a card(23, 34) can mounted on a hat(24)(see figures 1-3; column 1, lines 58-67 and column 2, lines 1-17). It would have been obvious to have modified

Shintani with the teaching of Gershon, since mounting a card on a user's hat is an alternative to mounting a card on a user's hat, mounting a card on a user's hat is more comfortable than hanging a card on a user's neck and it can avoid loss and damage the card(see column 1, lines 31-35).

### ***Conclusion***

9. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

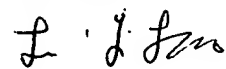
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 4, 2006

A handwritten signature in black ink, appearing to read 'L. Y. Lao'.

Lun-yi Lao

**Primary Examiner**